

Appl. No. : **10/009,575**
Filed : **August 6, 2002**

REMARKS

In this Office Action, the Examiner has basically repeated the previous rejections for Claims 19-36 under 35 U.S.C. § 103 (a) in view of Olivier (U.S. Patent No. 6,480,885) over Ogilvie (U.S. Patent No. 6,324,569). Applicant respectfully submits that the Examiner issue a new Office Action which addresses the Applicant's arguments associated prior art status.

Summary of Applicant's Previous Arguments

In the previous response submitted August 21, 2006, Applicant argued that neither Olivier nor Ogilvie, having prior art status in pertinent part, teaches or suggests "notifying the recipient if the message is unapproved" or a similar feature thereto recited in all independent claims. Applicant specifically argued that Ogilvie, having prior art status in pertinent part, neither teaches nor suggests the above-recited feature of the claimed invention. The Examiner asserted in the Office Action (see page 4) mailed January 4, 2005 that column 1, lines 55-64, column 13, lines 1-5 and column 14, lines 26-39 of Ogilvie teach "notifying the recipient if the message is unapproved." However, upon review of the priority applications of the Ogilvie patent, Applicant submitted an argument that the above passages were not disclosed in either of the parent applications (Provisional Applications Nos. 60/104,138 and 60/101,517) of Ogilvie which antedate this application's priority date of May 12, 1999. Furthermore, Applicant respectfully submitted that column 2, lines 1-7; column 7, lines 4-22; and column 8, lines 2-11 of Ogilvie were not disclosed in the Provisional Applications Nos. 60/104,138 and 60/101,517. In view of the above, Applicant respectfully submitted that none of the passages of Ogilvie cited by the Examiner with respect to the above-indicated feature of the claimed invention are prior art under 35 U.S.C. §§ 102 and 103, and thus, all independent Claims 19, 29-30 and 36 and dependent claims thereof are allowable over the prior art of record.

Summary of Applicant's Telephonic Requests for a New Office Action

Despite the previous arguments as summarized above, the Examiner did not address the Applicant's arguments and made substantially the same rejections. Applicant called the Examiner and left several voice messages to request a new Office Action which specifically

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addresses Applicant's statement associated with prior art status. However, the Examiner did not issue a new Office Action. Instead, the Examiner called Applicant and left a voice message which was not quite clear to Applicant what he was trying to deliver. To the best guess of Applicant, the Examiner's voice message seemed to suggest that the priority applications of Ogilvie disclose the claimed feature. However, since the Examiner never addressed the prior art status of the Ogilvie application in any of the previous Office Actions and Applicant believed that Ogilvie, having prior art status in pertinent part, neither teaches nor suggests the above-recited feature of the claimed invention, Applicant called the Examiner and left another voice message to request a new Office Action which addresses the issue. Applicant has not heard from the Examiner about the request.

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CONCLUSION

In view of the above, Applicant again respectfully submits that the Examiner issue a new Office Action which clearly addresses Applicant's legitimate argument that Ogilvie, having prior art status in pertinent part, does not teach "notifying the recipient if the message is unapproved" of the claimed invention. Applicant respectfully submits that this is very important to determine the patentability of all pending claims of this application.

Should the Examiner have any remaining concerns about the above-indicated arguments, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

2/27/07

By: _____

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